

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)


Applicant's or agent's file reference 020359 FE	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP03/08332	International filing date (day/month/year) 29/07/2003	Priority date (day/month/year) 27/08/2002
International Patent Classification (IPC) or national classification and IPC C01B33/18		
Applicant DEGUSSA AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 12/09/2003	Date of completion of this report 26/03/2004
Name and mailing address of the IPEA/  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel.: (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer LO CONTE C Tel. (+49-89) 2399 2828



I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP/08332

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C01B33/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C01B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

CHEM ABS Data, WPI Data, PAJ, INSPEC, COMPENDEX, EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	HUMBERT, B.: "Estimation of hydroxyl density at the surface of pyrogenic silicas by complementary NMR and Raman experiments." JOURNAL OF NON-CRYSTALLINE SOLIDS (1995), 191(1,2), 29-37, 1995, XP004076467 abstract pages 31,32, "Experimental" page 32, table 1 pages 36,37, "Conclusions" --- -/-	1,5,8, 14,15

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *G* document member of the same patent family

Date of the actual completion of the international search

25 November 2003

Date of mailing of the international search report

05/12/2003

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP/08332

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	CLARK-MONKS C ET AL: "The characterization of anomalous adsorption sites on silica surfaces" JOURNAL OF COLLOID AND INTERFACE SCIENCE, JULY 1973, USA, vol. 44, no. 1, pages 37-49, XP008024718 ISSN: 0021-9797 the whole document	1,4,5,8, 14,15
A	DATABASE CA 'Online! CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; ISANGULOV, K. I. ET AL: "Manufacture of superfine modified silica Aerosil 300 with hydrophilic-lipophilic properties" retrieved from STN Database accession no. 136:8586 CA XP002262657 abstract & RU 2 152 903 C (RUSSIA) 20 July 2000 (2000-07-20)	6,7
A	EP 0 850 876 A (DEGUSSA) 1 July 1998 (1998-07-01) & DE 196 50 500 A 10 June 1998 (1998-06-10) cited in the application	
A	EP 0 272 904 A (DU PONT) 29 June 1988 (1988-06-29)	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 08332

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
RU 2152903	C	20-07-2000	RU	2152903 C1	20-07-2000
EP 0850876	A	01-07-1998	DE	19650500 A1	10-06-1998
			CA	2223377 A1	05-06-1998
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